



General Assembly

February Session, 2006

Raised Bill No. 5565

LCO No. 2182

* ____HB05565ENV__031406__ *

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE COASTAL AREA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-91 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 The General Assembly finds that:

4 (1) The waters of Long Island Sound and its coastal resources, including
5 tidal rivers, streams and creeks, wetlands and marshes, intertidal
6 mudflats, beaches and dunes, bluffs and headlands, islands, rocky
7 shorefronts, and adjacent shorelands form an integrated natural estuarine
8 ecosystem which is both unique and fragile;

9 (2) Development of Connecticut's coastal area has been extensive and
10 has had a significant impact on Long Island Sound and its coastal
11 resources;

12 (3) The coastal area represents an asset of great present and potential
13 value to the economic well-being of the state, and there is a state interest
14 in the effective management, beneficial use, protection and development
15 of the coastal area;

16 (4) The waterfront of Connecticut's major urban ports is underutilized
17 and many existing urban waterfront uses are not directly dependent on
18 proximity to tidal or coastal waters;

19 (5) The coastal area is rich in a variety of natural, economic,
20 recreational, cultural and aesthetic resources, but the full realization of
21 their value can be achieved only by encouraging further development in
22 suitable areas and by protecting those areas unsuited to development;

23 (6) The key to improved public management of Connecticut's coastal
24 area is coordination at all levels of government and consideration by
25 municipalities of the impact of development on both coastal resources and
26 future water-dependent development opportunities when preparing plans
27 and regulations and reviewing municipal and private development
28 proposals; and

29 (7) Unplanned population growth and economic development in the
30 coastal area have caused the loss of living marine resources, wildlife and
31 nutrient-rich areas, and have endangered other vital ecological systems
32 and scarce resources.

33 Sec. 2. Section 22a-92 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2006*):

35 (a) The following general goals and policies are established by this
36 chapter:

37 (1) To insure that the development, preservation or use of the land and
38 water resources of the coastal area proceeds in a manner consistent with
39 the capability of the land and water resources to support development,
40 preservation or use without significantly disrupting either the natural
41 environment or sound economic growth;

42 (2) To preserve and enhance coastal resources in accordance with the
43 policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;

44 (3) To give high priority and preference to uses and facilities which are
45 dependent upon proximity to the water or the shorelands immediately

46 adjacent to marine and tidal waters;

47 (4) To resolve conflicts between competing uses on the shorelands
48 adjacent to marine and tidal waters by giving preference to uses that
49 minimize adverse impacts on natural coastal resources while providing
50 long term and stable economic benefits;

51 (5) To consider in the planning process the potential impact of coastal
52 flooding and erosion patterns on coastal development so as to minimize
53 damage to and destruction of life and property and reduce the necessity of
54 public expenditure to protect future development from such hazards;

55 (6) To encourage public access to the waters of Long Island Sound by
56 expansion, development and effective utilization of state-owned
57 recreational facilities within the coastal area that are consistent with sound
58 resource conservation procedures and constitutionally protected rights of
59 private property owners;

60 (7) To conduct, sponsor and assist research in coastal matters to
61 improve the data base upon which coastal land and water use decisions
62 are made;

63 (8) To coordinate the activities of public agencies to insure that state
64 expenditures enhance development while affording maximum protection
65 to natural coastal resources and processes in a manner consistent with the
66 state plan for conservation and development adopted pursuant to part I of
67 chapter 297;

68 (9) To coordinate planning and regulatory activities of public agencies
69 at all levels of government to insure maximum protection of coastal
70 resources while minimizing conflicts and disruption of economic
71 development; and

72 (10) To insure that the state and the coastal municipalities provide
73 adequate planning for facilities and resources which are in the national
74 interest, as defined in section 22a-93, as amended by this act, and to insure
75 that any restrictions or exclusions of such facilities or uses are reasonable.

76 Reasonable grounds for the restriction or exclusion of a facility or use in
77 the national interest shall include a finding that such a facility or use: (A)
78 May reasonably be sited outside the coastal boundary; (B) fails to meet
79 any applicable federal and state environmental, health or safety standard;
80 or (C) unreasonably restricts physical or visual access to tidal or coastal
81 waters. This policy does not exempt any nonfederal facility in use from
82 any applicable state or local regulatory or permit program nor does it
83 exempt any federal facility or use from the federal consistency
84 requirements of Section 307 of the federal Coastal Zone Management Act.

85 (b) In addition to the policies stated in subsection (a) of this section, the
86 following policies are established for federal, state and municipal agencies
87 in carrying out their responsibilities under this chapter:

88 (1) Policies concerning development, facilities and uses within the
89 coastal [boundary] area are: (A) To manage uses in the coastal [boundary]
90 area through existing municipal planning, zoning and other local
91 regulatory authorities and through existing state structures, dredging,
92 wetlands, and other state siting and regulatory authorities, giving highest
93 priority and preference to water-dependent uses and facilities in
94 shorefront areas; (B) to locate and phase sewer and water lines so as to
95 encourage concentrated development in areas which are suitable for
96 development; and to disapprove extension of sewer and water services
97 into developed and undeveloped beaches, barrier beaches and tidal
98 wetlands except that, when necessary to abate existing sources of
99 pollution, sewers that will accommodate existing uses with limited excess
100 capacity may be used; (C) to promote, through existing state and local
101 planning, development, promotional and regulatory authorities, the
102 development, reuse or redevelopment of existing urban and commercial
103 fishing ports giving highest priority and preference to water dependent
104 uses, including but not limited to commercial and recreational fishing and
105 boating uses; to disallow uses which unreasonably congest navigation
106 channels, or unreasonably preclude boating support facilities elsewhere in
107 a port or harbor; and to minimize the risk of oil and chemical spills at port
108 facilities; (D) to require that structures in tidal wetlands and tidal or
109 coastal waters be designed, constructed and maintained to minimize

adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners; (E) to disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills; (F) to make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area; (G) to encourage increased recreational boating use of tidal or coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land; (H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas; (I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry; and (J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer.

(2) Policies concerning coastal land and water resources within the

144 coastal [boundary] area are: (A) To manage coastal bluffs and escarpments
145 so as to preserve their slope and toe; to discourage uses which do not
146 permit continued natural rates of erosion and to disapprove uses that
147 accelerate slope erosion and alter essential patterns and supply of
148 sediments to the littoral transport system; (B) to manage rocky shorefronts
149 so as to insure that development proceeds in a manner which does not
150 irreparably reduce the capability of the system to support a healthy
151 intertidal biological community; to provide feeding grounds and refuge
152 for shorebirds and finfish, and to dissipate and absorb storm and wave
153 energies; (C) to preserve the dynamic form and integrity of natural beach
154 systems in order to provide critical wildlife habitats, a reservoir for sand
155 supply, a buffer for coastal flooding and erosion, and valuable recreational
156 opportunities; to insure that coastal uses are compatible with the
157 capabilities of the system and do not unreasonably interfere with natural
158 processes of erosion and sedimentation, and to encourage the restoration
159 and enhancement of disturbed or modified beach systems; (D) to manage
160 intertidal flats so as to preserve their value as a nutrient source and
161 reservoir, a healthy shellfish habitat and a valuable feeding area for
162 invertebrates, fish and shorebirds; to encourage the restoration and
163 enhancement of degraded intertidal flats; to allow coastal uses that
164 minimize change in the natural current flows, depth, slope, sedimentation,
165 and nutrient storage functions and to disallow uses that substantially
166 accelerate erosion or lead to significant despoliation of tidal flats; (E) to
167 preserve tidal wetlands and to prevent the despoliation and destruction
168 thereof in order to maintain their vital natural functions; to encourage the
169 rehabilitation and restoration of degraded tidal wetlands and where
170 feasible and environmentally acceptable, to encourage the creation of
171 wetlands for the purposes of shellfish and finfish management, habitat
172 creation and dredge spoil disposal; (F) to manage coastal hazard areas so
173 as to insure that development proceeds in such a manner that hazards to
174 life and property are minimized and to promote nonstructural solutions to
175 flood and erosion problems except in those instances where structural
176 alternatives prove unavoidable and necessary to protect existing inhabited
177 structures, infrastructural facilities or water dependent uses; (G) to
178 promote, through existing state and local planning, development,

179 promotional and regulatory programs, the use of existing developed
180 shorefront areas for marine-related uses, including but not limited to,
181 commercial and recreational fishing, boating and other water-dependent
182 commercial, industrial and recreational uses; (H) to manage undeveloped
183 islands in order to promote their use as critical habitats for those bird,
184 plant and animal species which are indigenous to such islands or which
185 are increasingly rare on the mainland; to maintain the value of
186 undeveloped islands as a major source of recreational open space; and to
187 disallow uses which will have significant adverse impacts on islands or
188 their resource components; (I) to regulate shoreland use and development
189 in a manner which minimizes adverse impacts upon adjacent coastal
190 systems and resources; and (J) to maintain the natural relationship
191 between eroding and depositional coastal landforms and to minimize the
192 adverse impacts of erosion and sedimentation on coastal land uses
193 through the promotion of nonstructural mitigation measures. Structural
194 solutions are permissible when necessary and unavoidable for the
195 protection of infrastructural facilities, water-dependent uses, or existing
196 inhabited structures, and where there is no feasible, less environmentally
197 damaging alternative and where all reasonable mitigation measures and
198 techniques have been provided to minimize adverse environmental
199 impacts.

200 (c) In addition to the policies stated in subsections (a) and (b) of this
201 section, the following policies are established for federal and state
202 agencies in carrying out their responsibilities under this chapter:

203 (1) Policies concerning development, facilities and uses within the
204 coastal [boundary] area are: (A) To minimize the risk of spillage of
205 petroleum products and hazardous substances, to provide effective
206 containment and cleanup facilities for accidental spills and to disallow
207 offshore oil receiving systems that have the potential to cause catastrophic
208 oil spills in the Long Island Sound estuary; (B) to disallow any filling of
209 tidal wetlands and nearshore, offshore and intertidal waters for the
210 purpose of creating new land from existing wetlands and tidal or coastal
211 waters which would otherwise be undevelopable, unless it is found that
212 the adverse impacts on coastal resources are minimal; (C) to initiate in

213 cooperation with the federal government and the continuing legislative
214 committee on state planning and development a long-range planning
215 program for the continued maintenance and enhancement of federally-
216 maintained navigation facilities in order to effectively and efficiently plan
217 and provide for environmentally sound dredging and disposal of dredged
218 materials; to encourage, through the state permitting program for
219 dredging activities, the maintenance and enhancement of existing
220 federally-maintained navigation channels, basins and anchorages and to
221 discourage the dredging of new federally-maintained navigation
222 channels, basins and anchorages; (D) to reduce the need for future
223 dredging by requiring that new or expanded navigation channels, basins
224 and anchorages take advantage of existing or authorized water depths,
225 circulation and siltation patterns and the best available technologies for
226 reducing controllable sedimentation; (E) to disallow new dredging in tidal
227 wetlands except where no feasible alternative exists and where adverse
228 impacts to coastal resources are minimal; (F) to require that new or
229 improved shoreline rail corridors be designed and constructed so as (i) to
230 prevent tidal and circulation restrictions and, when practicable, to
231 eliminate any such existing restrictions, (ii) to improve or have a
232 negligible adverse effect on coastal access and recreation, and (iii) to
233 enhance or not unreasonably impair the visual quality of the shoreline; (G)
234 to require that coastal highways and highway improvements, including
235 bridges, be designed and constructed so as to minimize adverse impacts
236 on coastal resources; to require that coastal highway and highway
237 improvements give full consideration to mass transportation alternatives
238 and to require that coastal highways and highway improvements where
239 possible enhance, but in no case decrease coastal access and recreational
240 opportunities; (H) to disallow the construction of major new airports and
241 to discourage the substantial expansion of existing airports within the
242 coastal boundary; to require that any expansion or improvement of
243 existing airports minimize adverse impacts on coastal resources,
244 recreation or access; (I) to manage the state's fisheries in order to promote
245 the economic benefits of commercial and recreational fishing, enhance
246 recreational fishing opportunities, optimize the yield of all species,
247 prevent the depletion or extinction of indigenous species, maintain and

248 enhance the productivity of natural estuarine resources and preserve
249 healthy fisheries resources for future generations; (J) to make effective use
250 of state-owned coastal recreational facilities in order to expand coastal
251 recreational opportunities including the development or redevelopment
252 of existing state-owned facilities where feasible; (K) to require as a
253 condition in permitting new coastal structures, including but not limited
254 to, groins, jetties or breakwaters, that access to, or along, the public beach
255 below mean high water must not be unreasonably impaired by such
256 structures and to encourage the removal of illegal structures below mean
257 high water which unreasonably obstruct passage along the public beach;
258 and (L) to promote the revitalization of inner city urban harbors and
259 waterfronts by encouraging appropriate reuse of historically developed
260 shorefronts, which may include minimized alteration of an existing
261 shorefront in order to achieve a significant net public benefit, provided (i)
262 such shorefront site is permanently devoted to a water dependent use or a
263 water dependent public use such as public access or recreation for the
264 general public and the ownership of any filled lands remain with the state
265 or an instrumentality thereof in order to secure public use and benefit in
266 perpetuity, (ii) landward development of the site is constrained by
267 highways, railroads or other significant infrastructure facilities, (iii) no
268 other feasible, less environmentally damaging alternatives exist, (iv) the
269 adverse impacts to coastal resources of any shorefront alteration are
270 minimized and compensation in the form of resource restoration is
271 provided to mitigate any remaining adverse impacts, and (v) such reuse is
272 consistent with the appropriate municipal coastal program or municipal
273 plan of development.

274 (2) Policies concerning coastal land and other resources within the
275 coastal [boundary] area are: (A) To manage estuarine embayments so as to
276 insure that coastal uses proceed in a manner that assures sustained
277 biological productivity, the maintenance of healthy marine populations
278 and the maintenance of essential patterns of circulation, drainage and
279 basin configuration; to protect, enhance and allow natural restoration of
280 eelgrass flats except in special limited cases, notably shellfish
281 management, where the benefits accrued through alteration of the flat

282 may outweigh the long-term benefits to marine biota, waterfowl, and
283 commercial and recreational finfisheries; and (B) to maintain, enhance, or,
284 where feasible, restore natural patterns of water circulation and fresh and
285 saltwater exchange in the placement or replacement of culverts, tide gates
286 or other drainage or flood control structures.

287 (d) In addition to the policies in this section, the policies of the state
288 plan of conservation and development adopted pursuant to part I of
289 chapter 297 shall be applied to the coastal area [within the coastal
290 boundary] in accordance with the requirements of section 16a-31.

291 Sec. 3. Section 22a-93 of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective October 1, 2006*):

293 For the purposes of this chapter:

294 (1) "Commissioner" means the Commissioner of Environmental
295 Protection;

296 (2) "Municipality" means any town listed in subsection (a) of section
297 22a-94, as amended by this act, the city of Groton, the borough of
298 Stonington, the borough of Groton Long Point, the borough of Fenwick
299 and the borough of Woodmont, but shall not include any special district;

300 (3) "Coastal area" means those lands described in subsection (a) of
301 section 22a-94, as amended by this act;

302 (4) "Coastal boundary" means the boundary described in subsection (b)
303 of section 22a-94, as amended by this act;

304 (5) "Coastal waters" means those waters of Long Island Sound and its
305 harbors, embayments, tidal rivers, streams and creeks, which contain a
306 salinity concentration of at least five hundred parts per million under the
307 low flow stream conditions as established by the commissioner;

308 (6) "Public beach" means that portion of the shoreline held in public fee
309 ownership by the state or that portion of the shoreline below the mean
310 high tide elevation that is held in public trust by the state;

(7) "Coastal resources" means the tidal or coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem; coastal resources include the following: (A) "Coastal bluffs and escarpments" means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover; (B) "rocky shorefronts" means shorefront composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms; (C) "beaches and dunes" means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats; (D) "intertidal flats" means very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation; (E) "tidal wetlands" means "wetland", as defined [by] in section 22a-29; (F) "freshwater wetlands and watercourses" means "wetlands" and "watercourses", as defined [by] in section 22a-38; (G) "estuarine embayments" means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves; (H) "coastal hazard areas" means those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the commissioner; (I) "developed shorefront" means those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems; (J) "island" means land surrounded on all sides by water; (K) "nearshore waters" means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour; (L) "offshore waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour; (M) "shorelands" means those land areas within

346 the coastal boundary exclusive of coastal hazard areas, which are not
347 subject to dynamic coastal processes and which are comprised of typical
348 upland features such as bedrock hills, till hills and drumlins; (N) "shellfish
349 concentration areas" means actual, potential or historic areas in coastal
350 waters, in which one or more species of shellfish aggregate;

351 (8) "Zoning commission" means the municipal zoning commission
352 established under section 8-1 or by any special act or the combined
353 planning and zoning commission established under section 8-4a;

354 (9) "Planning commission" means the municipal planning commission
355 established under section 8-19 or by any special act or the combined
356 planning and zoning commission established under section 8-4a;

357 (10) "Municipal coastal plans" means the plans listed in subsections (b)
358 and (d) of section 22a-101;

359 (11) "Municipal coastal regulations" means the regulations and
360 ordinances listed in subsection (b) of section 22a-101;

361 (12) "Federal Coastal Zone Management Act" and "federal act" means
362 the U.S. Coastal Zone Management Act of 1972, as amended;

363 (13) "Coastal site plans" means the site plans, applications and project
364 referrals listed in section 22a-105;

365 (14) "Facilities and resources which are in the national interest" means:
366 (A) Adequate protection of tidal wetlands and related estuarine resources;
367 (B) restoration and enhancement of Connecticut's shellfish industry; (C)
368 restoration, preservation and enhancement of the state's recreational and
369 commercial fisheries, including anadromous species; (D) water pollution
370 control measures and facilities consistent with the requirements of the
371 federal Clean Water Act, as amended; (E) air pollution control measures
372 and facilities consistent with the requirements of the federal Clean Air
373 Act, as amended; (F) continued operations of existing federally-funded
374 dredged and maintained navigation channels and basins; (G) energy
375 facilities serving state-wide and interstate markets, including electric

376 generating facilities and facilities for storage, receiving or processing
377 petroleum products and other fuels; (H) improvements to the existing
378 interstate rail, highway and water-borne transportation system; (I)
379 provision of adequate state or federally-owned marine-related
380 recreational facilities, including natural areas and wildlife sanctuaries; and
381 (J) essential maintenance and improvement of existing water-dependent
382 military, navigational, resource management and research facilities;

383 (15) "Adverse impacts on coastal resources" include, but are not limited
384 to: (A) Degrading water quality through the significant introduction into
385 [either] tidal or coastal waters or groundwater supplies of suspended
386 solids, nutrients, toxics, heavy metals or pathogens, or through the
387 significant alteration of temperature, pH, dissolved oxygen or salinity; (B)
388 degrading existing circulation patterns of tidal or coastal waters through
389 the significant alteration of patterns of tidal exchange or flushing rates,
390 freshwater input, or existing basin characteristics and channel contours;
391 (C) degrading natural erosion patterns through the significant alteration
392 of littoral transport of sediments in terms of deposition or source
393 reduction; (D) degrading natural or existing drainage patterns through the
394 significant alteration of groundwater flow and recharge and volume of
395 runoff; (E) increasing the hazard of coastal flooding through significant
396 alteration of shoreline configurations or bathymetry, particularly within
397 high velocity flood zones; (F) degrading visual quality through significant
398 alteration of the natural features of vistas and view points; (G) degrading
399 or destroying essential wildlife, finfish or shellfish habitat through
400 significant alteration of the composition, migration patterns, distribution,
401 breeding or other population characteristics of the natural species or
402 significant alteration of the natural components of the habitat; and (H)
403 degrading tidal wetlands, beaches and dunes, rocky shorefronts, and
404 bluffs and escarpments through significant alteration of their natural
405 characteristics or function;

406 (16) "Water-dependent uses" means those uses and facilities which
407 require direct access to, or location in, marine or tidal waters and which
408 therefore cannot be located inland, including but not limited to: Marinas,
409 recreational and commercial fishing and boating facilities, finfish and

410 shellfish processing plants, waterfront dock and port facilities, shipyards
411 and boat building facilities, water-based recreational uses, navigation
412 aides, basins and channels, industrial uses dependent upon water-borne
413 transportation or requiring large volumes of cooling or process water
414 which cannot reasonably be located or operated at an inland site and uses
415 which provide general public access to marine or tidal waters;

416 (17) "Adverse impacts on future water-dependent development
417 opportunities" and "adverse impacts on future water-dependent
418 development activities" include but are not limited to (A) locating a non-
419 water-dependent use at a site that (i) is physically suited for a water-
420 dependent use for which there is a reasonable demand, or (ii) has been
421 identified for a water-dependent use in the plan of development of the
422 municipality or the zoning regulations; (B) replacement of a water-
423 dependent use with a non-water-dependent use; [] and (C) siting of a
424 non-water-dependent use which would substantially reduce or inhibit
425 existing public access to marine or tidal waters; and

426 (18) "Zoning board of appeals" means the municipal zoning board of
427 appeals established pursuant to section 8-5 or any special act.

428 Sec. 4. Section 22a-94 of the 2006 supplement to the general statutes is
429 repealed and the following is substituted in lieu thereof (*Effective October*
430 *1, 2006*):

431 (a) The Connecticut coastal area shall include the land and water within
432 the area delineated by the following: The westerly, southerly and easterly
433 limits of the state's jurisdiction in Long Island Sound; the towns of
434 Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport,
435 Stratford, Shelton, Derby, Milford, Orange, West Haven, New Haven,
436 Hamden, North Haven, East Haven, Branford, Guilford, Madison,
437 Clinton, Westbrook, Deep River, Chester, Haddam, Middletown,
438 Cromwell, Rocky Hill, Wethersfield, Hartford, Windsor, Windsor Locks,
439 Suffield, Enfield, East Windsor, South Windsor, East Hartford,
440 Glastonbury, Portland, East Hampton, East Haddam, Essex, Old
441 Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London,

442 Montville, Norwich, Preston, Ledyard, Groton and Stonington.

443 (b) Within the coastal area, there shall be a coastal boundary which
444 shall be a continuous line delineated on the landward side by the interior
445 contour elevation of the one hundred year frequency coastal flood zone, as
446 defined and determined by the National Flood Insurance Act, as amended
447 (USC 42 Section 4101, P.L. 93-234), or a one thousand foot linear setback
448 measured from the mean high water mark in coastal waters, or a one
449 thousand foot linear setback measured from the inland boundary of tidal
450 wetlands mapped under section 22a-20, whichever is farthest inland; and
451 shall be delineated on the seaward side by the seaward extent of the
452 jurisdiction of the state, except that the boundary shall not include any
453 land or water area within the towns of Derby, Haddam, Middletown,
454 Cromwell, Rocky Hill, Wethersfield, Hartford, Windsor, Windsor Locks,
455 Suffield, Enfield, East Windsor, South Windsor, East Hartford,
456 Glastonbury, Portland, East Hampton and East Haddam and the inclusion
457 of said towns within the coastal area shall not expand, impair or modify
458 existing municipal authorities under this chapter.

459 (c) The coastal boundary as defined in subsection (b) of this section
460 shall be shown on maps or photographs prepared by the commissioner
461 which supplement flood hazard rate maps prepared by the United States
462 Department of Housing and Urban Development under the National
463 Flood Insurance Act. Such maps shall be sufficiently precise to
464 demonstrate whether the holdings of a property owner, or portions
465 thereof, lie within the coastal boundary. Copies of such maps or
466 photographs shall be filed with the commissioner and with the clerk of
467 each coastal municipality.

468 (d) The maps described in subsection (c) of this section shall be
469 promulgated not later than July 1, 1980. Prior to final adoption of any
470 map, the commissioner shall hold a public hearing in accordance with the
471 provisions of chapter 54 within the applicable coastal town. The
472 commissioner may use interim maps prepared on United States
473 Geological Survey Topographic base at a scale of one to twenty-four
474 thousand or their metric equivalent. In preparing such interim maps, the

475 commissioner may use any man-made structure, natural feature, property
476 line, preliminary flood hazard boundary maps as prepared by the United
477 States Department of Housing and Urban Development, or a combination
478 thereof which most closely approximates the landward side of the
479 boundary. Further, the commissioner may use city or town property tax
480 maps or aerial photographs, state tidal wetlands photographs, or similar
481 maps of property delineation as they are available.

482 (e) The commissioner may, from time to time, amend such maps
483 described in subsection (c) of this section. Prior to the adoption of an
484 amendment to any map, the commissioner shall hold a public hearing in
485 the affected municipality in accordance with the provisions of chapter 54.
486 The commissioner shall consider for amendment changes in the boundary
487 petitioned by the coastal municipality, by any person owning real
488 property within the boundary, or by twenty-five residents of such
489 municipality. The commissioner shall approve, deny or modify such
490 petition within sixty days of receipt and shall state, in writing, the reasons
491 for his action. All amendments to the boundary shall be consistent with
492 subsection (b) of this section.

493 (f) A municipal coastal boundary may be adopted by the municipal
494 planning commission of each coastal municipality in accordance with the
495 notice, hearing and other procedural requirements of section 8-24. Such
496 boundary may be delineated by roads, property lines or other identifiable
497 natural or man-made features, provided such boundary shall approximate
498 and in no event diminish the area within the coastal boundary as defined
499 in subsection (b) of this section and as mapped under subsection (d) of
500 this section. Such boundary shall be sufficiently precise to demonstrate
501 whether the holdings of a property owner, or portions thereof, lie within
502 the boundary. Upon adoption, such boundary shall be submitted to the
503 commissioner for mapping in accordance with subsection (c) of this
504 section. The municipal planning commission may, at its own discretion or
505 upon request of a property owner, amend the coastal boundary in
506 accordance with the procedures and criteria of this subsection.

507 (g) All property lying within the coastal boundary shall be subject to

508 the regulatory, development and planning requirements of this chapter.

509 Sec. 5. Section 22a-99 of the general statutes is repealed and the
510 following is substituted in lieu thereof (*Effective October 1, 2006*):

511 A coastal municipality may submit written testimony to the
512 commissioner and may appear by right as a party to any hearing before
513 said commissioner concerning any permit or license to be issued by said
514 commissioner for an activity occurring within [the coastal boundary of]
515 the municipality or occurring within the coastal boundary of any adjacent
516 municipality and within five hundred feet of the boundary of such
517 municipality and may appeal any decision of the commissioner
518 concerning such permit or license.

519 Sec. 6. Section 22a-100 of the general statutes is repealed and the
520 following is substituted in lieu thereof (*Effective October 1, 2006*):

521 (a) All major state plans, other than the state plan for conservation and
522 development adopted pursuant to part I of chapter 297, which affect the
523 coastal area shall be consistent with the goals and policies stated in section
524 22a-92, as amended by this act, and existing state plans, other than the
525 state plan for conservation and development adopted pursuant to part I of
526 chapter 297, which affect the coastal area shall, on or before July 1, 1981,
527 be revised, if necessary, to insure consistency with this chapter. Agencies
528 responsible for revising state plans, other than the state plan for
529 conservation and development adopted pursuant to part I of chapter 297,
530 shall consult with the commissioner in making such revisions.

531 (b) Each state department, institution or agency responsible for the
532 primary recommendation or initiation of actions within the coastal
533 [boundary] area which may significantly affect the environment, as
534 defined in section 22a-1c, shall insure that such actions are consistent with
535 the goals and policies of this chapter and incorporate all reasonable
536 measures mitigating any adverse impacts of such actions on coastal
537 resources and future water-dependent development activities. The
538 Secretary of the Office of Policy and Management shall consider the
539 consistency of such proposed actions with such goals and policies in

540 determining whether or not an environmental impact evaluation prepared
541 pursuant to section 22a-1b satisfies the requirements of sections 22a-1a to
542 22a-1h, inclusive, and regulations adopted pursuant thereto. The
543 commissioner shall amend such regulations, if necessary, to insure
544 consistency with the goals and policies of this chapter.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2006</i>	22a-91
Sec. 2	<i>October 1, 2006</i>	22a-92
Sec. 3	<i>October 1, 2006</i>	22a-93
Sec. 4	<i>October 1, 2006</i>	22a-94
Sec. 5	<i>October 1, 2006</i>	22a-99
Sec. 6	<i>October 1, 2006</i>	22a-100

ENV *Joint Favorable*